

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ROSY GIRON DE REYES, *et al.*,

Plaintiffs,

v.

WAPLES MOBILE HOME PARK
LIMITED PARTNERSHIP, *et al.*,

Defendants.

Civil No.: 1:16cv563-TSE-TCB

**MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION TO SEAL**

Defendants Waples Mobile Home Park Limited Partnership, Waples Project Limited Partnership, and A. J. Dwoskin & Associates, Inc. (collectively "Defendants"), by counsel, pursuant to Local Civil Rule 5, submit this memorandum of points and authorities in support of Defendants' Motion to Seal.

I. Introduction

Defendants agreed to a Stipulated Protective Order (Dkt. 45) which requires the parties to file information designated as confidential under seal with the Court. Pursuant to the Stipulated Protective Order (Dkt. 45), Plaintiffs have designated certain deposition transcripts as confidential, which Defendants have attached to their Rule 26 Disclosures.

II. Deposition Transcripts Designated by Plaintiffs as Confidential

Pursuant to the Stipulated Protective Order (Dkt. 45), Plaintiffs designated their deposition transcripts as confidential. Portions of these deposition transcripts are attached as Exhibit B to Defendants' Rule 26 Disclosures filed on February 2, 2017. Because Plaintiffs have

labeled these transcripts as confidential pursuant to the Stipulated Protective Order (Dkt. 45), Defendants have filed this Motion to Seal pursuant to Local Civil Rule 5.

Until the Court determines whether Exhibit B to Defendants' Rule 26 Disclosures should be sealed, Defendants have redacted Exhibit B to Defendants' Rule 26 Disclosures.

Ashcraft v. Conoco, Inc., 218 F.3d 282 (4th Cir. 2000), held that documents may be sealed pursuant to district court order when the court: (1) provides notice to the public and gives it an opportunity to object to sealing, (2) considers less drastic alternatives, and (3) provides specific findings in support of the decision to seal and the rejection of alternatives. Those requirements are met here.

First, Defendants have concurrently filed a Notice of Motion to be docketed by the Clerk. The Notice will provide the public with an opportunity to object to the sealing of the documents in question.

Second, no feasible alternative exists to filing these documents under seal, in light of the Protective Order requiring information designated confidential pursuant to the Order to be filed with the court consistent with Local Rule 5 of the Eastern District of Virginia. Accordingly, the utmost discretion and confidentiality is necessary, and filings in this action should be kept under seal.

III. Conclusion

For the aforementioned reasons, Defendants respectfully submit their Motion to Seal for consideration by the Court.

Respectfully submitted,

WAPLES MOBILE HOME PARK LIMITED
PARTNERSHIP, WAPLES PROJECT LIMITED
PARTNERSHIP AND
A. J. DWOSKIN & ASSOCIATES, INC.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of February, 2017, I caused the foregoing to be filed electronically with the Clerk of the Court using CM/ECF, which will then send a notification of such filing to all counsel of record.

/s/

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